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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR      | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 09/549,966      | 04/14/2000  | Randolph Michael Forlenza | AUS000072US1        | 9041             |

7590 06/30/2004

BRACEWELL & PATTERSON, L.L.P.  
Intellectual Property Law  
P.O. Box 969  
Austin, TX 78767-0969

EXAMINER

PHAM, HUNG Q

ART UNIT PAPER NUMBER

2172

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/549,966

Applicant(s)

FORLENZA ET AL.

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6,7,13,14,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6,7,13,14,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/04 & 4/23/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicants filed an Appeal Brief on 04/23/2004. The Conferees agreed to consider the Declaration under 37 CFR § 1.131. Therefore, the finality of the Office Action 11/18/2003 is withdrawn. Examiner regrets and apologizes for any inconvenience may cause.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**3. Claims 6-7, 13-14 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy et al. [USP 5,911,043].**

Regarding to claims 6, 13 and 20, Duffy teaches a system and method of providing an automated rating to a wide variety of access technologies used in a global computer network like the Internet. As shown in FIG. 1, client 14 includes a retrieve module 18 for retrieving documents from network 16 (FIG. 1, Col. 3, Lines 36-37). Retrieve module 18 passes a document retrieved from network 16 to rate module 20 to generate one or more document ratings (Col. 3, Lines 49-53). As shown in FIG. 3 is document ratings 202 for the sex and violence rating categories, and may include other rating categories, such as profanity, racism, nudity, and others. Category rating 210 corresponds to a range of numerical ratings 208 and designates different *content label categories*, such as early childhood [EC] allows material rated appropriate for the youngest viewers; kids to adults [KA] designates material rated appropriate for everyone six years and over; teens [T] designates material rated for everyone thirteen years and over; mature audiences [M] designates material rated for everyone seventeen years and over; and adults only [AO] represents no screening and displays all material regardless of content (Col. 7, Lines 42-61). In short, the technique as discussed performs the claimed *obtaining content label categories at the data processing system that present a unique label identifying the type of content for each respective category of a plurality of categories*. Duffy further discloses a screen module for preventing the retrieval or conveyance of information that is inappropriate, objectionable, or offensive based on

user ratings of the user of client 14. The user ratings correspond to the rating categories of document ratings and may be based on age, geography, demographics, or any other appropriate consideration (Col. 5, Lines 4-12). The screen module 44 determines if the retrieved document ratings are greater or smaller than the user ratings in order to grant or deny access to a document (Col. 8, Lines 43-52). As seen, the user rating as associated user restrictions at the data processing system defining at least one user's access privileges to each respective category of the plurality of categories and will be compare with category ratings as content label categories. Or in other words, the technique as discussed indicates the step of *obtaining associated user restrictions at the data processing system defining at least one user's access privileges to each respective category of the plurality of categories as a function of the content label categories*. Referring back to FIG. 3, the category ratings as *content label categories* and user rating as *associated user restrictions is distributed to each of a plurality of communications programs within the data processing system, wherein at least two of the communication programs employ different communication protocols* (Col. 2, Lines 13-20 and Col. 8, Lines 6-24). Duffy does not explicitly teach the step of *setting access controls for at least two of the communications programs within the data processing system that employ different communications protocols as a function of the content label categories and associated user restrictions*. However, as shown in FIG. 4 is a flow chart of a method for screening information performed by client 14. The method begins at step 300 where screen module 44 in client 14 receives a document in response to user input. If the address is a non-IP address 204, such as a uniform resource locator (URL) address or electronic

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mail address, screen module 44 determines if the non-IP address 204 has been rated at step 304. If the non-IP address 204 has been rated at step 304, screen module 44 retrieves document ratings 202 corresponding to the non-IP address in rate file. Screen module 44 determines the appropriate user ratings at step 308 which may correspond to or be associated with a user name, password, age, characteristic, or other information about the user of client 14. If any document rating is higher than an associated user rating at step 310, access is denied at step 312 and the method ends (Col. 8, Lines 25-65). As seen, by using *content label categories*, and user rating associated with a user name, password as *user restriction*, access to documents is controlled by a comparison at step 310, and obviously, HTTP or FTP is used if the document is <http://www.intergo.com> or <ftp.nudes>, and Mail Transfer Protocol is used if document is [joe@intergo.com](mailto:joe@intergo.com) as in FIG. 3. In other words, the screening process of FIG. 4 associated with FIG. 3, obviously, performs the claimed *setting access controls for at least two of the communications programs within the data processing system that employ different communications protocols as a function of the content label categories and associated user restrictions*.

Regarding to claims 7, 14 and 21, Duffy teaches all the claim subject matters as discussed in claims 6, 13 and 20, but does not disclose the claimed *during installation of a communication program subsequent to setting access controls for each communications program within the data processing system as a function of the content label categories and associated user restrictions, checking for existing access control settings for other*

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*communications programs and setting access controls for the communications program being installed utilizing the existing access control setting.* However, when a new version of a browser, for example, is installed, obviously, the new version is still under controlled of the existing access control settings. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duffy technique by using the existing access control setting when a new version of browser or email application is installed in order to avoid the step of resetting the access control.




**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham  
June 21, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER